



Docket No.: NHL-KEH-26A
Serial No.: 10/789,927
Customer No.: 00432

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER: (NOT YET RECEIVED)
ART UNIT: 3722
SERIAL NO.: 10/789,927
FILING DATE: February 27, 2004
INVENTOR: Werner PENKERT
TITLE: CUTTING INSERT AND USE THEREOF, AND A CUTTING
INSERT ESPECIALLY FOR TURNING ALUMINUM

Greensburg, Pennsylvania 15601

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 26, 2004

AUTHORIZATION TO WITHDRAW FROM DEPOSIT ACCOUNT

Sir:

If a fee is required to avoid abandonment, the Commissioner is hereby authorized to charge any fee, or credit any overpayment, to Deposit Account No. 12-1758. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Nils H. Ljungman, Esq.
Attorney for the Applicant
Reg. No. 25,997
Nils H. Ljungman & Associates
P.O. Box 130
Greensburg, PA 15601-0130
Telephone:(724) 836-2305
Facsimile:(724) 836-2313



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July 26, 2004

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Sir:

The Notice to File Missing Parts of Nonprovisional Application, mailed on May 26, 2004, a copy of which is enclosed herewith, requires that a basic filing fee of \$770.00, a large entity surcharge fee of \$130.00, additional claim fees of \$86.00, and a Declaration signed by the inventors be submitted by July 26, 2004, which is two months from the mailing date of the Notice to File Missing Parts of Nonprovisional Application, relating to the above-cited patent application.

A Preliminary Amendment has been prepared in order to reduce the number of independent claims to three. It is respectfully submitted, therefore, that extra claims fees are not required.

This case was filed without a Declaration because an application with a Declaration attached thereto was not received by the Attorney of Record by the Convention Date. Therefore, in order to comply with the filing requirements, a Declaration citing the above-identified application by its serial number and filing date is enclosed herewith. Priority was claimed under 35 U.S.C. §119 at the time of filing of the above-cited application.

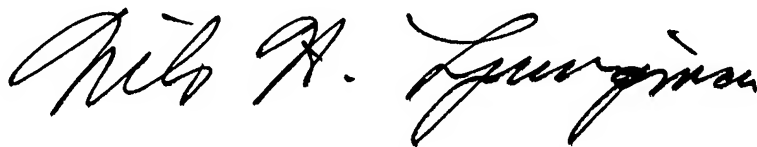
The undersigned attorney of record hereby states that the invention recited in the Declaration enclosed herewith is identical to the invention captioned above.

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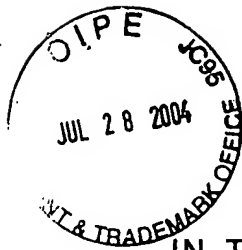
As requested by the Notice to File Missing Parts of
Nonprovisional Application, all required documents are enclosed
herewith.

If mailed, I, the person signing this certification below, hereby
certify that this correspondence is being deposited with the United
States Postal Service with sufficient postage as first class mail in an
envelope addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on the date indicated in the certification
of mailing on the transmittal letter sent herewith, or if facsimile
transmitted, I, the person signing this certification below, hereby
certify that this paper is being facsimile transmitted to the United
States Patent and Trademark Office on the date indicated in the
certification of facsimile transmission on the transmittal letter which is
being facsimile transmitted herewith.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nils H. Ljungman".

Nils H. Ljungman, Esq.
Attorney for the Applicant
Reg. No. 25,997
Nils H. Ljungman & Associates
P.O. Box 130
Greensburg, PA 15601-0130
Telephone:(724) 836-2305
Facsimile:(724) 836-2313



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Greensburg, Pennsylvania 15601

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P.O. Box 1450
Alexandria, VA 22313-1450

July 26, 2004

TRANSMITTAL LETTER

Sir:

Please find enclosed herewith the following documents relating to the above-cited case:

- 1) a Response to Notice to File Missing Parts of Nonprovisional Application;
- 2) a copy of the Notice to File Missing Parts of Nonprovisional Application;
- 3) an executed Supplemental Declaration and Power of Attorney document;
- 4) a check for \$900.00 representing \$770.00 for the basic filing fee, and \$130.00 for the large entity surcharge fee;
- 5) a Preliminary Amendment having 11 pages;
- 6) an Information Disclosure Statement (Form PTO-1449) having two pages;
- 7) copies of the references (19) cited in the Information Disclosure Statement;
- 8) a copy of a German Office Action from the corresponding German application and an English translation thereof;
- 9) a copy of an International Search Report;
- 10) an Authorization to Withdraw from Deposit Account and a duplicate copy thereof; and
- 11) a stamped, self-addressed postcard, return of which is requested to acknowledge receipt of the enclosed documents.

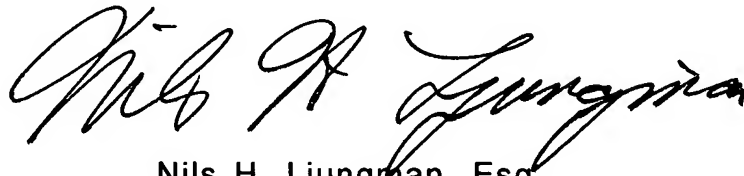
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TRANSMITTAL LETTER
Page 2

It is believed that no further fee is required to file the enclosed documents.

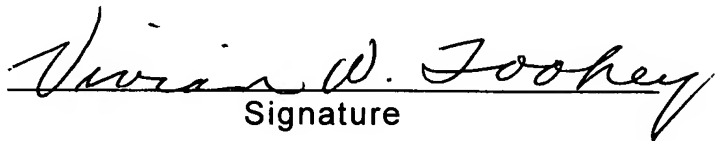
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 26, 2004.

Respectfully submitted,



Nils H. Ljungman, Esq.
Attorney for the Applicant
Reg. No. 25,997
Nils H. Ljungman & Associates
P.O. Box 130
Greensburg, PA 15601-0130
Telephone:(724) 836-2305
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Signature

Vivian W. Toohey
Name of person mailing paper or fee

July 26, 2004
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/789,927	02/27/2004	Werner Penkert	NHL-KEH-26A

NILS H. LJUNGMAN
NILS H. LJUNGMAN & ASSOCIATES
P.O. BOX 130
GREENSBURG, PA 15601-0130

CONFIRMATION NO. 6812

FORMALITIES LETTER



OC000000012783560

Date Mailed: 05/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$86** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$986** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$86**

07/29/2004 FFANAIA2 00000024 10789927


01 FC:1001
02 FC:1051

770.00 OP
130.00 OP

- \$86 for 1 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE